IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 4684 of 2006

DATED: 13.4.2006

Between:

P.Yadaiah petitioner

And

APSRTC,

Rep by its Managing Director,

Musheerabad, Hyderabad and others Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 4684 of 2006

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 25.02.2006 suspending the petitioner pending enquiry.

The petitioner is a driver in the respondent corporation. On 24.1.2006, the petitioner

along with another driver was drafted to Siddipet-Mumbai service. The Prohibition and Excise officials checked the bus at Sarangapur and found 55 Kgs of dry Ganja in old cloth bundle on bus top.

The said Ganja was seized and a case in crime No. COR No.858/05-06 E.S.Nizamabad dated 24.1.2006 was booked under section 8 (C) read with –20 (b) of NDPS Act, 1985. On 4.2.2006, as per the instructions of the Depot Officials, the petitioner and another co-driver reported to the Prohibition and Excise Police Station, Nizamabad and they were arrested and sent to judicial remand and subsequently released on bail on 17.2.2006. Thereafter, a charge sheet dated 25.2.2006 was issued alleging that petitioner has allowed transporting of 55 Kgs of Ganja which is an unauthorized and prohibited item, while performing duty on Siddipet-Mumbai service. On the same day vide separate proceedings, the petitioner was placed under suspension. Hence, the present writ petition.

Learned counsel for petitioner submitted that M/s.ANL Parcel Service which has booked the subject consignment containing prohibited item, is a joint venture of the respondent corporation and the drivers of the respondent corporation are under an obligation to receive the consignments booked by M/s. ANL Parcel Service and the same cannot be termed as misconduct. He has further submitted that the subject consignment is booked from Nizamabad to Mumbai and the receipt issued by M/s.ANL parcel service clearly indicate the names of booking party at Nizamabad and receiving party at Mumbai. It is thus contended that the petitioner has not committed any misconduct warranting initiation of disciplinary proceedings. It is further submitted that there is no reason in keeping the petitioner under suspension and sought for interference of this Court.

Learned counsel for respondent corporation submitted that pending enquiry petitioner was kept under suspension and the same cannot be said as illegal.

Heard learned counsel for petitioner and learned Standing Counsel for respondent corporation Mr.V.T.M.Prasad. Both counsel agreed for disposal of the writ petition at the admission stage.

This Court normally does not interfere with the order of suspension pending enquiry. But, taking into consideration the submission of the learned counsel for petitioner that the petitioner has only discharged the legitimate duty by accepting a consignment from M/s.ANL Parcel Service, and is in no way instrumental for

transportation of the prohibited item,

I deem it appropriate to dispose of the writ petition, with the following direction:

The petitioner herein is directed to submit a representation to the second respondent/Divisional Manager indicating the grounds to raise his suspension. On filing such a representation, the second respondent shall reconsider the whole issue in the light of the submission made by the petitioner for raising the suspension and pass appropriate orders expeditiously, preferably within six weeks from the date of receipt of the representation.

Subject to above direction, the writ petition is disposed of.

No costs.

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N.V.RAMANA,J

DATE:13.4.2006

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THE HON'BLE MR JUSTICE N.V. RAMANA

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